

**EXHIBIT G**

**Excerpts from deposition of Plaintiff Peter DeVecchia**

PETER DELVECCHIA

November 19, 2019

Page 1

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

CASE NO. 2:19-CV-01322-KJD-NJK

PETER DELVECCHIA, individually and  
as next friend of A.D., a minor,

Plaintiffs,

vs.

FRONTIER AIRLINES INC. and JOHN DOES  
1 through 5, inclusive,

Defendants.

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Videotaped Deposition of

PETER DELVECCHIA

(Taken by Plaintiffs)

Raleigh, North Carolina

Tuesday, November 19, 2019

Reported in Stenotype By:

Denise Y. Meek

Court Reporter and Notary Public

PETER DELVECCHIA

November 19, 2019

<p style="text-align: right;">Page 42</p> <p>1 Frontier is renowned for it. Their seats are</p> <p>2 very hard and thin and unpadded, because</p> <p>3 they're maximizing the room, so...</p> <p>4 <b>Q. Was there anything that caused your</b></p> <p>5 <b>butt to hurt, apart from the condition of the</b></p> <p>6 <b>seat?</b></p> <p>7 A. No. The plane was very cold. I</p> <p>8 mentioned that.</p> <p>9 We were both concerned with getting</p> <p>10 enough sleep. It was an overnight flight. As</p> <p>11 I said, we were planning on being active. We</p> <p>12 talked about hiking and music a bit, and then</p> <p>13 the plane began to taxi. So my notes do say</p> <p>14 that. The plane did begin to taxi.</p> <p>15 And I remember my son was cold. He</p> <p>16 pulled a gray jacket out of his bag, over his</p> <p>17 body. He tucked it in around his thighs to the</p> <p>18 end of the seat. I told him I was going to</p> <p>19 sleep. I kissed him. I put my head back.</p> <p>20 The seat was very hard, and I woke up.</p> <p>21 I checked my son. He was sleeping restlessly,</p> <p>22 I felt. Across the aisle there were people</p> <p>23 having a good time. They were laughing. They</p> <p>24 were enjoying themselves.</p>	<p style="text-align: right;">Page 44</p> <p>1 <b>Q. When you woke up at this time and</b></p> <p>2 <b>looked across the aisle and saw the other</b></p> <p>3 <b>passengers having a good time, do you know if</b></p> <p>4 <b>beverage service had already been conducted?</b></p> <p>5 A. I don't.</p> <p>6 <b>Q. Okay. Do you know if any of the</b></p> <p>7 <b>passengers who you saw cross the aisle had</b></p> <p>8 <b>beverages with them?</b></p> <p>9 A. I don't remember.</p> <p>10 <b>Q. Okay. Go ahead.</b></p> <p>11 A. All right. At this point, my bottom</p> <p>12 side was hurting a lot, and I moved forward,</p> <p>13 and I put my head against the back of the seat</p> <p>14 in front of me, and I put my elbows on my</p> <p>15 knees, because I was trying to relieve some of</p> <p>16 the pressure by leaning forward. And that's</p> <p>17 pretty much what I remember. And then I</p> <p>18 started to really sleep, and it was a much</p> <p>19 sounder sleep when I did that.</p> <p>20 I have no idea how long we were in</p> <p>21 flight. I've tried to remember that. I cannot</p> <p>22 remember how long we were there, because I</p> <p>23 was -- I was actually sleeping.</p> <p>24 <b>Q. Do you recall at any point being</b></p>
<p style="text-align: right;">Page 43</p> <p>1 <b>Q. If I could interrupt you there.</b></p> <p>2 <b>When you say these people across the</b></p> <p>3 <b>row from -- across the aisle from you, are you</b></p> <p>4 <b>referring to the left side of the aircraft?</b></p> <p>5 A. If I'm facing forward, the left side of</p> <p>6 the aircraft, yes.</p> <p>7 <b>Q. Okay. And was it in your row? The row</b></p> <p>8 <b>in front of you? The row behind you?</b></p> <p>9 A. I couldn't see the row in front of me,</p> <p>10 but it was definitely my row, and it was</p> <p>11 definitely the row behind, and then it sounded</p> <p>12 like they were further back. So it was like</p> <p>13 they knew each other, and they were having a</p> <p>14 good time.</p> <p>15 <b>Q. Okay. Did anything lead you to believe</b></p> <p>16 <b>that they were laughing at your expense?</b></p> <p>17 A. Oh, no, no, they were just -- they were</p> <p>18 going on vacation together and having a nice</p> <p>19 time.</p> <p>20 <b>Q. Okay.</b></p> <p>21 A. Nice people.</p> <p>22 Go forward?</p> <p>23 <b>Q. Yes, one more question.</b></p> <p>24 A. Yeah.</p>	<p style="text-align: right;">Page 45</p> <p>1 <b>offered a beverage on this flight?</b></p> <p>2 A. No, I don't, no.</p> <p>3 <b>Q. Okay.</b></p> <p>4 A. Ready?</p> <p>5 <b>Q. Yeah.</b></p> <p>6 A. All right. So I as I mentioned, the</p> <p>7 sleep was poor for several nights before. And</p> <p>8 as I was sleeping there -- and I want to</p> <p>9 reiterate, my head was against the seat ahead</p> <p>10 of me -- there were several hard hits to the</p> <p>11 back and my head and neck.</p> <p>12 <b>Q. Okay. If I could stop you there.</b></p> <p>13 A. Yes.</p> <p>14 <b>Q. Was your tray table up, or was it</b></p> <p>15 <b>folded down?</b></p> <p>16 A. It was up.</p> <p>17 <b>Q. Okay. And how many hits to the back of</b></p> <p>18 <b>your head and neck would you say you received?</b></p> <p>19 A. I cannot tell you that. I know there</p> <p>20 were two that I felt, but I can't say. I don't</p> <p>21 know. There may have been more. I'm just</p> <p>22 saying that when I woke up, I felt my head</p> <p>23 smashed down twice against the seat. And I</p> <p>24 remember that it hurt here (indicating),</p>

PETER DELVECCHIA

November 19, 2019

<p style="text-align: right;">Page 46</p> <p>1 because they were smashing it, and it was</p> <p>2 hitting the seat. But it could have been more.</p> <p>3 I don't know. I mean, I was really asleep.</p> <p>4 Q. Do you know where the point of contact</p> <p>5 was made on the back of your head and neck?</p> <p>6 A. I can guess that by where the pain was</p> <p>7 and where definitely the last blow I felt. And</p> <p>8 it was -- do you want me to show you or just</p> <p>9 answer it?</p> <p>10 Q. You can show me, and then we'll put</p> <p>11 that into words as well for the court reporter.</p> <p>12 A. It was right here (indicating).</p> <p>13 Q. So it was at the base of your neck, the</p> <p>14 bottom three or four inches of your hair?</p> <p>15 A. Yes, it was in this area (indicating).</p> <p>16 But there were -- when I got back to the hotel,</p> <p>17 there were significant red marks all around my</p> <p>18 neck.</p> <p>19 MR. McKAY: Just to clarify your</p> <p>20 description, I don't think it was the base</p> <p>21 of his neck as much as the base of his</p> <p>22 skull.</p> <p>23 THE WITNESS: Right.</p> <p>24 MS. SHELKE: Correct.</p>	<p style="text-align: right;">Page 48</p> <p>1 Did you ever ask A.D. to look at the</p> <p>2 back of your head, neck, or shoulders, and</p> <p>3 describe what he saw, the day after this</p> <p>4 incident?</p> <p>5 A. No, I did not.</p> <p>6 Q. You also mentioned that the front of</p> <p>7 your forehead or face hit the seat-back in</p> <p>8 front of you. Would that be correct?</p> <p>9 A. Yes.</p> <p>10 Q. What portion of the front of your face</p> <p>11 hit the seat-back in front of you?</p> <p>12 A. (Indicating.)</p> <p>13 Q. Your forehead?</p> <p>14 A. Yes, right here (indicating).</p> <p>15 Q. Okay. So the upper part of your</p> <p>16 forehead?</p> <p>17 A. Right.</p> <p>18 Q. Did you sustain any cuts or bruises as</p> <p>19 a result of hitting your head on the seat-back</p> <p>20 in front of you?</p> <p>21 A. I did not check.</p> <p>22 Q. Were you bleeding, to your knowledge,</p> <p>23 at any time after you hit the seat-back in</p> <p>24 front of you?</p>
<p style="text-align: right;">Page 47</p> <p>1 BY MS. SHELKE:</p> <p>2 Q. So the last blow that you felt was</p> <p>3 three or four inches of the back of your head</p> <p>4 where your hair covers you?</p> <p>5 A. Well, my hair is different now than it</p> <p>6 was then, so let me clarify that. But I can</p> <p>7 tell you that, very specifically, it's where</p> <p>8 the curve is right here (indicating) before we</p> <p>9 start moving into the neck.</p> <p>10 Q. Okay. And then when you got to the</p> <p>11 hotel later, you also observed red marks on the</p> <p>12 base of your neck?</p> <p>13 A. When I got in the hotel later on, it</p> <p>14 was actually, you know, hours and hours later.</p> <p>15 And I tried to see what had happened, because I</p> <p>16 didn't know if it was cut, and I didn't know</p> <p>17 what to think. And I could look in the mirror</p> <p>18 and see to the side that it was all red right</p> <p>19 here (indicating). But that's about all I</p> <p>20 could see in the mirror from that point. It</p> <p>21 was just very, very red.</p> <p>22 Q. Did you ever ask A.D. to look at --</p> <p>23 A. No.</p> <p>24 Q. -- your back -- I'm sorry.</p>	<p style="text-align: right;">Page 49</p> <p>1 A. Not to my knowledge. I did not check.</p> <p>2 Q. Did you ever develop a bruise on the</p> <p>3 front of your head that you believe was related</p> <p>4 to hitting the seat-back in front of you?</p> <p>5 A. I did not check.</p> <p>6 Q. When you say you did not check, to the</p> <p>7 best of your recollection, looking in the</p> <p>8 mirror for the two to five days after this</p> <p>9 incident, you did not see any bruises on your</p> <p>10 forehead or upper part of your head, correct?</p> <p>11 A. I will clarify that. We did not have a</p> <p>12 mirror. We were in a camper van.</p> <p>13 Q. Okay.</p> <p>14 A. There were no mirrors available</p> <p>15 anywhere.</p> <p>16 And at the hotel, I didn't check,</p> <p>17 simply because I was -- I was really worried</p> <p>18 about the back of my head.</p> <p>19 Q. You mentioned that your hair was</p> <p>20 different at the time of this incident. How</p> <p>21 was it different then?</p> <p>22 A. It was probably a lot shorter.</p> <p>23 Q. Apart from being shorter in length, was</p> <p>24 there anything different about your hair than</p>

PETER DELVECCHIA

November 19, 2019

<p style="text-align: right;">Page 50</p> <p>1 today?</p> <p>2 A. I may have a few more gray hairs, but</p> <p>3 that's about it.</p> <p>4 Q. I believe we're on point 17. If you'll</p> <p>5 continue.</p> <p>6 A. Okay. I felt several hard hits to the</p> <p>7 back of my neck and my head. I know I yelled</p> <p>8 something out. And the first thing I did was</p> <p>9 grab A.D.'s leg, because it was just reflexive.</p> <p>10 I wanted to make sure he was all right.</p> <p>11 I saw somebody hanging over me with a</p> <p>12 white shirt. And I can't say I saw his face,</p> <p>13 but I definitely saw the white shirt out of the</p> <p>14 corner of my eye. It was the same person who</p> <p>15 later identified himself as Kevin.</p> <p>16 And I want to add something here that's</p> <p>17 not there. As I grabbed A.D.'s leg --</p> <p>18 THE WITNESS: And, John, I'm sorry, I</p> <p>19 do remember this now, so I can put this in</p> <p>20 here.</p> <p>21 A. He definitely was the person hitting me</p> <p>22 in the head, because as I got up, his face</p> <p>23 was -- he was the only black flight attendant,</p> <p>24 and it was a black man standing over me and</p>	<p style="text-align: right;">Page 52</p> <p>1 trying to -- I'm just trying to put the pieces</p> <p>2 together for a minute.</p> <p>3 Can you -- can you ask me the question</p> <p>4 again, please?</p> <p>5 Q. Sure. I was wondering about the</p> <p>6 position of the passenger who was seated to</p> <p>7 your left in the aisle seat in your row.</p> <p>8 You mentioned that he was hunched over;</p> <p>9 is that correct?</p> <p>10 A. Every time I saw him, he was hunched</p> <p>11 over his computer, yes.</p> <p>12 Q. And did he have his tray table down?</p> <p>13 A. I believe he did, yes.</p> <p>14 Q. Okay. And then when the flight</p> <p>15 attendant was hanging over you, as you say in</p> <p>16 17c of Deposition Exhibit Number 2, I'm</p> <p>17 wondering, was he hanging down in front of you</p> <p>18 towards your back, or in front of the other</p> <p>19 passenger?</p> <p>20 A. I didn't check.</p> <p>21 Q. What is your recollection with respect</p> <p>22 to how the flight attendant was hanging over</p> <p>23 you, given the position of the passenger next</p> <p>24 to you hunched over his computer?</p>
<p style="text-align: right;">Page 51</p> <p>1 leaning into the row. So I have no doubt who</p> <p>2 hit me. Okay? So let's be really clear about</p> <p>3 that. The person later identified himself as</p> <p>4 Kevin, and was yelling, "Get out, just get</p> <p>5 out," to my son, and then yelled at me to move.</p> <p>6 Q. If you'll stop there.</p> <p>7 A. Uh-huh.</p> <p>8 Q. When you were sleeping with your head</p> <p>9 resting on the seat-back in front of you, do</p> <p>10 you know the position of the passenger on your</p> <p>11 left? Meaning was he seated leaning back</p> <p>12 against his seat?</p> <p>13 A. Next to me meaning in the seat right</p> <p>14 next to me?</p> <p>15 Q. On your left side in the aisle seat.</p> <p>16 A. In my row?</p> <p>17 Q. Correct.</p> <p>18 A. Okay. I just want to be specific. His</p> <p>19 head was down into the computer, like this</p> <p>20 (indicating), from what I remember. And I</p> <p>21 can't be specific, because, again, I didn't</p> <p>22 look at him when I got hit. But that was the</p> <p>23 position he was in every single time I looked</p> <p>24 over his way. And when -- give me -- I'm just</p>	<p style="text-align: right;">Page 53</p> <p>1 A. He was recoiling off the row.</p> <p>2 Q. When you say he was "recoiling off the</p> <p>3 row" --</p> <p>4 A. He was coming back up.</p> <p>5 Q. The passenger next to you was coming --</p> <p>6 A. No, Kevin -- or Scott -- was coming</p> <p>7 back up.</p> <p>8 Q. Describe that for me. When you say</p> <p>9 "coming back up," what do you mean?</p> <p>10 A. His body was partially in the row and</p> <p>11 he was moving back up like this (indicating),</p> <p>12 and yelling at the same time. I can't tell</p> <p>13 you -- I know where you're going. You're</p> <p>14 looking for specifics about where he was. I</p> <p>15 can't tell you that. All I can tell you is,</p> <p>16 his body was leaning into the row a little bit,</p> <p>17 and he was in the process of moving out of the</p> <p>18 row.</p> <p>19 Q. Did he lean into the row behind the</p> <p>20 passenger to your left and you?</p> <p>21 A. I can only tell you what happened with</p> <p>22 me. I can't tell you what happened with the</p> <p>23 person next to me.</p> <p>24 Q. Okay. And then 17d says: "Yelled at</p>

PETER DELVECCHIA

November 19, 2019

<p style="text-align: right;">Page 54</p> <p>1 me to move," which is yelled at you to move.</p> <p>2 A. Yes.</p> <p>3 Q. If you'll continue from there.</p> <p>4 A. My son looked very confused. He kept</p> <p>5 saying "Okay." I thought he did something</p> <p>6 wrong. The first thing I started thinking</p> <p>7 about was that he did something wrong. I</p> <p>8 mean -- or he had to use the bathroom, and I</p> <p>9 didn't wake up, and I thought Scott was trying</p> <p>10 to help him get to the bathroom. I had no idea</p> <p>11 what was going on.</p> <p>12 And then I remember searing pain. The</p> <p>13 pain was horrible in my eyes. It was all down</p> <p>14 my neck and back. And I will add that I</p> <p>15 remember being very foggy. I just -- I</p> <p>16 couldn't get focused. It was like I was in</p> <p>17 like a cloud.</p> <p>18 I don't remember if I stepped out of</p> <p>19 the row or if the person next to me did. I</p> <p>20 can't answer that. I remember Kevin leading my</p> <p>21 son to the rear of the plane.</p> <p>22 Q. Okay. If you'll stop there. Did you</p> <p>23 hit your eyes, to the best of your</p> <p>24 recollection?</p>	<p style="text-align: right;">Page 56</p> <p>1 sleeping pill, been woken up in the middle of</p> <p>2 the night, and not experience such foggiess?</p> <p>3 A. Yeah, I mean, I've taken it and not</p> <p>4 gone to bed for two hours afterwards.</p> <p>5 Q. Okay. If you'll continue with point</p> <p>6 number 18 and 19.</p> <p>7 A. Okay. As I said, I can't remember if I</p> <p>8 stepped out of the row or the person next to me</p> <p>9 did, and that relates to letting A.D. out.</p> <p>10 I remember Scott leading my son to the</p> <p>11 rear of the plane. I sat back in the row, but</p> <p>12 I don't remember if he moved. I remember</p> <p>13 sitting back down. I was really dizzy, and</p> <p>14 there was pain in my head, neck, and upper</p> <p>15 back. My head was foggy. I can't tell you how</p> <p>16 much time passed before 21 and 22. It might</p> <p>17 have been a while.</p> <p>18 But I asked the person next to me what</p> <p>19 happened, and he wouldn't pick his head up. I</p> <p>20 remember he was back in the computer, and I saw</p> <p>21 he had headphones on, so I asked him quite loud</p> <p>22 what happened, and he never picked his head up.</p> <p>23 Q. Do you know if he was actively ignoring</p> <p>24 you or if he did not hear you?</p>
<p style="text-align: right;">Page 55</p> <p>1 A. No, I definitely did not hit my eyes.</p> <p>2 I'm sorry.</p> <p>3 MR. McKAY: It's okay.</p> <p>4 Q. That's all right. That's all right.</p> <p>5 Just to clarify for the record: Did</p> <p>6 you hit your eyes on the seat-back in front</p> <p>7 of you?</p> <p>8 A. No.</p> <p>9 Q. Okay. And you described being "foggy."</p> <p>10 Is that a foggiess that you would relate in</p> <p>11 any way to the sleeping pill that you took?</p> <p>12 A. No.</p> <p>13 Q. And how is it that you can distinguish</p> <p>14 the foggiess as not being related to the</p> <p>15 sleeping pill?</p> <p>16 A. Because it was a quarter dose. I hate</p> <p>17 medication, so I don't take anything that</p> <p>18 affects me -- my clarity. I never do. And</p> <p>19 I've taken them before, and it's never affected</p> <p>20 it. There is usually no residual effect. I</p> <p>21 only take enough of it to stop my brain from</p> <p>22 going a hundred miles an hour.</p> <p>23 Q. So in the past, to clarify: You have</p> <p>24 taken the same dosage of the same or a similar</p>	<p style="text-align: right;">Page 57</p> <p>1 A. I felt like he didn't -- I'm saying I</p> <p>2 felt like he didn't want to get involved. I</p> <p>3 don't know anything.</p> <p>4 Q. Do you have any understanding as to</p> <p>5 whether you passed out or otherwise became</p> <p>6 unconscious after A.D. left your row?</p> <p>7 A. I don't know. It is possible. I don't</p> <p>8 know.</p> <p>9 Q. Okay.</p> <p>10 A. Do you want me to continue?</p> <p>11 Q. Yes, please.</p> <p>12 A. All right. At this point I started to</p> <p>13 panic, and I started asking people everywhere</p> <p>14 around me, specifically the people across the</p> <p>15 aisle in the same row, what had happened,</p> <p>16 because I thought maybe they had seen. And I</p> <p>17 remember there was no more chatter. People</p> <p>18 were really quiet. And they were looking at me</p> <p>19 like I was a -- they were -- looked scared. So</p> <p>20 I said to them, "Do you have any idea what</p> <p>21 happened?" And all I remember is shrugs. And</p> <p>22 then there was a person in the middle seat of</p> <p>23 the row across the aisle that said, "We have no</p> <p>24 idea."</p>

PETER DELVECCHIA

November 19, 2019

<p style="text-align: right;">Page 58</p> <p>1 Q. Okay. Just to stop you there.</p> <p>2 So when you say the row across the</p> <p>3 aisle, it is your row, just on the other side</p> <p>4 of the aisle?</p> <p>5 A. Yes. So you said I was in 17.</p> <p>6 Q. Yes.</p> <p>7 A. So it would be 17, I guess, A --</p> <p>8 Q. A, B, and C row?</p> <p>9 A. -- B, and C row, yes.</p> <p>10 Q. Okay. Do you happen to recall if</p> <p>11 the -- whether the passengers in the row --</p> <p>12 strike that.</p> <p>13 Do you happen to recall if they were</p> <p>14 male or female passengers on the other side of</p> <p>15 the aisle in your row?</p> <p>16 A. I remember a female. I don't -- I just</p> <p>17 remember the lady that shrugged.</p> <p>18 Q. And to the best of your recollection,</p> <p>19 the lady that shrugged was in the middle seat,</p> <p>20 which would be 17B?</p> <p>21 A. I can't swear to it, but I think so,</p> <p>22 yes.</p> <p>23 Q. Okay. And you asked her what had</p> <p>24 happened --</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. So to clarify, point number 24, when it</p> <p>2 says, "read" row, it's actually "rear"?</p> <p>3 A. "Rear" row. I'm sorry.</p> <p>4 Q. I'm just -- I'm just being clear here.</p> <p>5 A. Yeah, I'm sorry about that.</p> <p>6 Q. And when you say "rear," you're</p> <p>7 referring to the last row of the aircraft,</p> <p>8 correct?</p> <p>9 A. It was the last row.</p> <p>10 Q. Okay. Do you know if he was seated on</p> <p>11 the right or left side of the last row of the</p> <p>12 aircraft as you're looking forward?</p> <p>13 A. It looked -- I could not tell, because</p> <p>14 my guess is he was pushing like this</p> <p>15 (indicating). He was probably moving the seat.</p> <p>16 So at that time I could not see which seat he</p> <p>17 was in.</p> <p>18 MR. McKAY: She was asking a different</p> <p>19 question.</p> <p>20 THE WITNESS: Oh, I'm sorry.</p> <p>21 MR. McKAY: Was it -- was it aircraft</p> <p>22 right or aircraft left?</p> <p>23 THE WITNESS: Oh, I'm so sorry.</p> <p>24 A. It was the same -- so if you're facing</p>
<p style="text-align: right;">Page 59</p> <p>1 A. I asked --</p> <p>2 Q. -- or something to that effect?</p> <p>3 A. Sorry. I asked a collective what had</p> <p>4 happened.</p> <p>5 Q. Okay. And you asked the collective</p> <p>6 group, which would be when you said the row</p> <p>7 across the other side of the aisle of you, and</p> <p>8 the female shrugged in response; is that</p> <p>9 correct?</p> <p>10 A. Yes, and I think she also said,</p> <p>11 "No idea," but somebody said, "No idea."</p> <p>12 Q. Okay. Point number 23 says: "No idea,</p> <p>13 looked scared." Who looked scared?</p> <p>14 A. Every face that I could see looked</p> <p>15 scared and uncomfortable. And as I mentioned,</p> <p>16 the chatter was gone.</p> <p>17 Q. Continue.</p> <p>18 A. All right. I don't know how long</p> <p>19 between 23 and 24, but I was sitting there, and</p> <p>20 I was trying to get up and walk without</p> <p>21 falling. I was waiting for the fog to clear up</p> <p>22 a little bit. And I stood up, and I was trying</p> <p>23 to find my son, and I saw him in the rear row,</p> <p>24 way, way in the back.</p>	<p style="text-align: right;">Page 61</p> <p>1 forward, it's the rear -- the right side, same</p> <p>2 as me.</p> <p>3 Q. Okay. In the win- --</p> <p>4 A. I misunderstood you.</p> <p>5 Q. That's okay.</p> <p>6 A. No, I can't say the window. I don't</p> <p>7 know.</p> <p>8 Q. Okay. But it was the last row of the</p> <p>9 aircraft facing -- on the right-hand side,</p> <p>10 facing forward?</p> <p>11 A. Yes.</p> <p>12 Q. Thank you.</p> <p>13 A. And at that time I didn't know what to</p> <p>14 think.</p> <p>15 Q. Okay. We'll continue with Deposition</p> <p>16 Exhibit 2.</p> <p>17 A. Okay. So I started to walk back, and</p> <p>18 Kevin came -- I'm sorry -- Scott came from the</p> <p>19 galley, you know, that little galley in the</p> <p>20 back, to confront me. And there was a very</p> <p>21 large white man with a white shirt sitting in</p> <p>22 the aisle seat in (redacted) -- I'm sorry, I</p> <p>23 did it again -- in my son's row.</p> <p>24 Q. When you say Kevin -- or Scott -- came</p>



PETER DELVECCHIA

November 19, 2019

<p style="text-align: right;">Page 62</p> <p>1 from the back galley to confront you, what do</p> <p>2 you mean by that?</p> <p>3 A. It was like he saw me coming up, and he</p> <p>4 stepped out, and he stood in front of the row</p> <p>5 where my son was, I would even say in a</p> <p>6 threatening manner.</p> <p>7 Q. And in your perception, he did that in</p> <p>8 a threatening manner to you and to block you</p> <p>9 from entering the aisle?</p> <p>10 A. Yes.</p> <p>11 Q. The white man who was sitting in the</p> <p>12 aisle seat in your son's row in the back of the</p> <p>13 aircraft, do you have any understanding of who</p> <p>14 he was?</p> <p>15 A. He had a white shirt on, and I'm not a</p> <p>16 hundred percent sure, but it looked like there</p> <p>17 was a Frontier symbol right around here</p> <p>18 (indicating) on his -- on his shirt.</p> <p>19 Q. Okay. So roughly where a patch pocket</p> <p>20 would be, you think there was a Frontier --</p> <p>21 A. Not -- go ahead. I'm sorry.</p> <p>22 Q. -- a Frontier logo?</p> <p>23 A. Not to the pocket. Just like right</p> <p>24 over here (indicating) to the side where a</p>	<p style="text-align: right;">Page 64</p> <p>1 you saw him sitting in the same row as your son</p> <p>2 in the back of the aircraft?</p> <p>3 A. My recollection is that he accompanied</p> <p>4 Scott on his assault, if you will. He was --</p> <p>5 and I can't give you specifics, but when -- I</p> <p>6 remember looking at my son, coming out of the</p> <p>7 aisle. I recall this person being about six or</p> <p>8 so feet behind Scott, in the aisle.</p> <p>9 Q. So to the best of your recollection --</p> <p>10 A. Can I --</p> <p>11 Q. Go ahead.</p> <p>12 A. -- just clarify one thing? Would that</p> <p>13 be all right?</p> <p>14 Q. Sure.</p> <p>15 A. I was trying to think. I'm a little</p> <p>16 cloudy on that. I'm not going to say I</p> <p>17 specifically remember it, because -- but I</p> <p>18 think he was standing there, yes.</p> <p>19 Q. And just to clarify as to where you</p> <p>20 think this person was standing, you said six or</p> <p>21 seven feet behind Scott. So that would be</p> <p>22 further back in the aircraft?</p> <p>23 A. Toward the rear.</p> <p>24 Q. Toward the rear?</p>
<p style="text-align: right;">Page 63</p> <p>1 pocket would be.</p> <p>2 Q. Okay.</p> <p>3 A. I don't know if that's because his</p> <p>4 shirt was twisted, but that's where it</p> <p>5 appeared.</p> <p>6 Q. Okay. Is there anything else you</p> <p>7 remember about this person?</p> <p>8 A. He was a very -- yes, I do.</p> <p>9 Q. What do you remember?</p> <p>10 A. He was large. His hair was a light</p> <p>11 brown or a dark blond, if you will. I remember</p> <p>12 him looking at me, and looking at my son, as I</p> <p>13 went back there, and I have a rough idea of his</p> <p>14 face. He had a very square face, and I don't</p> <p>15 remember him wearing glasses, and that's the</p> <p>16 best I got.</p> <p>17 Q. Did you ever come to learn this</p> <p>18 person's name?</p> <p>19 A. No.</p> <p>20 Q. Had you ever seen this person prior to</p> <p>21 the time you saw him sitting in the same row as</p> <p>22 your son in the back of the aircraft?</p> <p>23 A. Yes.</p> <p>24 Q. When did you see him before the time</p>	<p style="text-align: right;">Page 65</p> <p>1 A. Yes.</p> <p>2 Q. Okay. When Scott hit you, as you</p> <p>3 allege, did this person do anything?</p> <p>4 A. He was staring at me. And that's the</p> <p>5 reason I remember. He -- it sounds goofy, but</p> <p>6 he was almost compassionate.</p> <p>7 Q. So your recollection is that, as you</p> <p>8 were sleeping with your head resting on the</p> <p>9 seat-back in front of you, Scott hit you on the</p> <p>10 back of your head and neck, but you were able</p> <p>11 to see this passenger six to seven feet towards</p> <p>12 the back of the aircraft staring at you in a</p> <p>13 compassionate manner?</p> <p>14 MR. MCKAY: Objection to the form of</p> <p>15 the question.</p> <p>16 A. Yeah, your question is leading me to a</p> <p>17 conclusion, so I'm going to rephrase my answer.</p> <p>18 It's not necessarily going to answer it the way</p> <p>19 you asked it.</p> <p>20 My -- this had nothing to do with the</p> <p>21 time that my head was hit. It had nothing to</p> <p>22 do with, you know, the actual time of the</p> <p>23 assault, but it had to do with at some point</p> <p>24 that A.D. was exiting that row, he was there,</p>



PETER DELVECCHIA

November 19, 2019

<p style="text-align: right;">Page 66</p> <p>1 where I was looking up and aware of people 2 there.</p> <p>3 <b>Q. Okay. Then to clarify: The first time</b> 4 <b>that you saw this passenger who we've been</b> 5 <b>talking about, the large white man in the white</b> 6 <b>shirt, who was sitting in the same row as your</b> 7 <b>son, in the back of the aircraft, was when A.D.</b> 8 <b>was taken from his seat next to you to go to</b> 9 <b>the back of the aircraft?</b></p> <p>10 A. Yes.</p> <p>11 <b>Q. Okay. Go ahead. So you were at the</b> 12 <b>back of the aircraft at this point.</b></p> <p>13 A. Where would you like me to pick up 14 from?</p> <p>15 <b>Q. I think we talked about point number</b> 16 <b>25, unless you have anything more to add there?</b></p> <p>17 A. No, I'll continue to 26, then, if 18 that's okay.</p> <p>19 So, again, this person was looking up 20 at me, and he had a very compassionate face. I 21 remember that very clearly, because I was 22 hoping he would at least help me out. And as I 23 said, I remember he was with -- I put Kevin at 24 the time. Now I know his name is Scott. He</p>	<p style="text-align: right;">Page 68</p> <p>1 blurb on the table, I said, "Can I have your 2 last name?" And he said, "Just Kevin. That's 3 all you need." All right? So I very clearly 4 remember him identifying himself that way.</p> <p>5 He said -- I asked him, "Who saw that?" 6 And he said, "All of us. The police have been 7 called. You will have to tell them. They will 8 be waiting at the gate."</p> <p>9 So I said, "Okay, I guess we will sort 10 it out then. What is your last name, Kevin?" 11 And he said, "It doesn't matter. Deal with the 12 police," and he smiled at me in a very 13 malicious, nasty way.</p> <p>14 I asked A.D. if he was okay. I told 15 him I loved him. That man in the aisle watched 16 the whole thing looked upset and unkind. And I 17 remember I also told A.D. to relax, that we'd 18 take care of it.</p> <p>19 MR. McKAY: I'm sorry. It sounded like 20 you said he looked "upset and unkind," and 21 your notes are different.</p> <p>22 THE WITNESS: Are we talking about -- 23 MR. McKAY: The white man. 24 THE WITNESS: "Not unkind."</p>
<p style="text-align: right;">Page 67</p> <p>1 was with Scott when he took my son.</p> <p>2 My son was at the window seat with a 3 seat between him and the person on the aisle 4 seat. I asked Scott why he took my son and if 5 my son did something wrong. I was very clear 6 about the word "son." And the conversation was 7 something like this.</p> <p>8 I'm not -- there's no quotes. I can't 9 tell you specific words. But, again, I asked 10 him why he took my son. And he said, "You know 11 what you did." And I said to him, "No, I 12 don't."</p> <p>13 And he said, "You touched his 14 genitals." And I said, "How could I do that? 15 I was asleep."</p> <p>16 And he said, "Doesn't matter. You 17 touched him." I said, "Again, I was asleep. 18 Didn't my son tell you that?" And he said, 19 "No, he didn't, but we all saw you touching 20 him."</p> <p>21 And I said, "Who saw that?" And he 22 said, "All of us." And I should mention that 23 this is where he first identified himself as 24 Kevin. And I -- and I -- before this little</p>	<p style="text-align: right;">Page 69</p> <p>1 MR. McKAY: "Not unkind." 2 THE WITNESS: "Not unkind." 3 MR. McKAY: Okay. I just wasn't sure 4 if I heard that right.</p> <p>5 BY MS. SHELKE: 6 <b>Q. If I could interrupt you there: Did</b> 7 <b>that passenger who was seated on the aisle seat</b> 8 <b>in A.D.'s row say anything during your exchange</b> 9 <b>with the flight attendant?</b></p> <p>10 A. No, he did not, that I saw. I can't 11 say he didn't, but he didn't when I was there. 12 And I was -- that's why I remember him so 13 clearly, because he was looking at me like in a 14 supportive way, and I kept hoping he would say 15 something.</p> <p>16 <b>Q. Did you speak with this gentleman?</b> 17 A. No. 18 <b>Q. When the flight attendant told you that</b> 19 <b>the police had been called, and they would sort</b> 20 <b>it out once the flight landed, did you accept</b> 21 <b>that it was a matter that the police should</b> 22 <b>sort out?</b></p> <p>23 A. I was very relieved the police had been 24 called.</p>

PETER DELVECCHIA

November 19, 2019

<p style="text-align: right;">Page 70</p> <p>1 Q. Why were you relieved?</p> <p>2 A. Because I expected fairness. I mean,</p> <p>3 this man was an animal. I didn't want him near</p> <p>4 my son. I wanted the police there. I wanted</p> <p>5 somebody to help me out. I knew I was going to</p> <p>6 get nowhere with this person, and I was</p> <p>7 extremely relieved that the police had been</p> <p>8 called.</p> <p>9 Q. If you'll continue on with -- is there</p> <p>10 anything more about the conversation with the</p> <p>11 flight attendant that you remember?</p> <p>12 A. Yes, he was hostile.</p> <p>13 Q. When you say "hostile," can you</p> <p>14 describe that further?</p> <p>15 A. Every motion of his body, the way he</p> <p>16 spoke, he was hostile, angry. Just his body</p> <p>17 language was angry and hostile. There did not</p> <p>18 appear to be any way at that point of making</p> <p>19 him understand that he made a mistake.</p> <p>20 Q. Did this flight attendant swear at you?</p> <p>21 A. He did not swear at me, not at that</p> <p>22 time.</p> <p>23 Q. You said "not at that time." So you</p> <p>24 recall another instance where he swore at you?</p>	<p style="text-align: right;">Page 72</p> <p>1 that my back and my neck were just, in the</p> <p>2 back, right around in here (indicating), it was</p> <p>3 horrible, and my head was hurting a lot.</p> <p>4 And people kept glancing over at me</p> <p>5 across the aisle, and it started to get really</p> <p>6 uncomfortable, and I started to get really</p> <p>7 upset. I mean, my son was taken away, and I</p> <p>8 started to think to myself that -- you know,</p> <p>9 what kind of pain he was in.</p> <p>10 A.D. is not one that deals with</p> <p>11 separation well. He's had a lot of hardship.</p> <p>12 And he does not like being away from either</p> <p>13 myself or Gayle, and then to some extent,</p> <p>14 Amanda. And it was really difficult, and all I</p> <p>15 kept thinking about is what kind of pain he was</p> <p>16 going through.</p> <p>17 And I started trying to calm myself,</p> <p>18 because I was thinking: If I start yelling or</p> <p>19 going to the back again, that the other</p> <p>20 passengers were going to get upset. And you</p> <p>21 read about these stories of people who make a</p> <p>22 fuss on the airlines, and then people start to</p> <p>23 panic, and that's just not fair to them.</p> <p>24 So I took a magazine out, and I was</p>
<p style="text-align: right;">Page 71</p> <p>1 A. Yes, we'll get into that.</p> <p>2 Q. Okay. But up until this point where</p> <p>3 you had the exchange with the flight attendant</p> <p>4 in the back of the aircraft, the flight</p> <p>5 attendant had not sworn at you, correct?</p> <p>6 A. No.</p> <p>7 Q. Did he yell at you?</p> <p>8 A. He was loud.</p> <p>9 Q. You say loud but not yelling. Would</p> <p>10 that be fair?</p> <p>11 A. I think yelling is subjective. I would</p> <p>12 say it was above a normal conversational tone.</p> <p>13 Q. Okay. Anything more about the</p> <p>14 conversation that you remember?</p> <p>15 A. No.</p> <p>16 Q. Go ahead with point number 29.</p> <p>17 A. I went back to my seat, and I looked</p> <p>18 around, and a lot of people were staring. A</p> <p>19 lot of people, especially across the row,</p> <p>20 looked very scared and upset. They didn't say</p> <p>21 anything to me, though. And that's when I</p> <p>22 started getting very nauseous. I started to</p> <p>23 feel like I was going to throw up. And I</p> <p>24 remember being very dizzy at that point, and</p>	<p style="text-align: right;">Page 73</p> <p>1 looking at some pictures. It was some nature</p> <p>2 magazine. As I mentioned before, my son and I</p> <p>3 spend a lot of time outdoors, and it brings us</p> <p>4 both a great deal of happiness. And I tried to</p> <p>5 look at the pictures and calm myself down. And</p> <p>6 I tried to put the magazine up, because it was</p> <p>7 really embarrassing. And I tried to act as</p> <p>8 nonchalant as I could, because I didn't want</p> <p>9 the other passengers getting upset.</p> <p>10 I had prior experiences like this,</p> <p>11 which I know you know about, and the FBI and</p> <p>12 the police were always extremely fair about it.</p> <p>13 This is not new. And I kept trying to tell</p> <p>14 myself over and over again that, "This will be</p> <p>15 quick," and it's always gone very fair. And</p> <p>16 not "always" like it's been a hundred times. I</p> <p>17 think there's been three -- or two. Two other</p> <p>18 times. This was the third time. So I kept</p> <p>19 trying to calm myself down, because I knew if</p> <p>20 they were truly waiting outside the plane, then</p> <p>21 in my mind: In five minutes we're done.</p> <p>22 I kept trying to look at A.D. I</p> <p>23 couldn't get his attention. He looked</p> <p>24 terrified. I had a lot of guilt over it, I can</p>

PETER DELVECCHIA

November 19, 2019

<p style="text-align: right;">Page 74</p> <p>1 tell you that.</p> <p>2 <b>Q. I'll stop you there.</b></p> <p>3 MR. McKAY: Is this a good time for a</p> <p>4 break? We've been going about an hour.</p> <p>5 MS. SHELKE: Sure.</p> <p>6 MR. McKAY: Okay. And I think we're</p> <p>7 halfway through the notes.</p> <p>8 MS. SHELKE: Okay.</p> <p>9 MR. McKAY: And I need coffee.</p> <p>10 MS. SHELKE: Sounds good.</p> <p>11 THE VIDEOGRAPHER: Off the record at</p> <p>12 11:07.</p> <p>13 (Recess from 11:07 to 11:29 a.m.)</p> <p>14 THE VIDEOGRAPHER: Back on the record</p> <p>15 at 11:29.</p> <p>16 BY MS. SHELKE:</p> <p>17 <b>Q. Mr. DelVecchia, before we took a break,</b></p> <p>18 <b>we were talking about point number 29 on</b></p> <p>19 <b>Deposition Exhibit Number 2, and I have some</b></p> <p>20 <b>follow-up questions about that one.</b></p> <p>21 <b>You said that A.D. does not deal with</b></p> <p>22 <b>separation well.</b></p> <p>23 A. No.</p> <p>24 <b>Q. No, you did not say that?</b></p>	<p style="text-align: right;">Page 76</p> <p>1 THE WITNESS: Is it okay if I go on a</p> <p>2 little bit?</p> <p>3 MR. McKAY: Yes, yes, absolutely.</p> <p>4 A. Just something so simple as, you</p> <p>5 know -- I can give you an example. My leg</p> <p>6 surgery, he'll make sure, you know, to fill my</p> <p>7 water glass and help me with dinner. I mean,</p> <p>8 he's just a very loving, thoughtful child. And</p> <p>9 pulling him away, it immediately creates an</p> <p>10 insecurity for him. And it's not like he</p> <p>11 gets -- he acts out. He just doesn't like it.</p> <p>12 And he's extremely close with my</p> <p>13 daughter, Gayle, and the two of them are pretty</p> <p>14 inseparable. He is with all of us. He just --</p> <p>15 he doesn't like to be messed around with, with</p> <p>16 his family structure. And I would say we're</p> <p>17 all like that, pretty much, every one of us.</p> <p>18 And maybe that's nature or nurture. I don't</p> <p>19 know.</p> <p>20 Does that help?</p> <p>21 <b>Q. Yes.</b></p> <p>22 A. Okay.</p> <p>23 <b>Q. You talked about returning to your seat</b></p> <p>24 <b>after speaking with the flight attendant in the</b></p>
<p style="text-align: right;">Page 75</p> <p>1 A. No, he does not. I was answering the</p> <p>2 question.</p> <p>3 <b>Q. Oh, sorry, yes. Okay.</b></p> <p>4 A. I'm sorry.</p> <p>5 <b>Q. Can you tell me a little more about</b></p> <p>6 <b>that?</b></p> <p>7 A. He is -- he's just a very attached kid.</p> <p>8 He's just -- he's got a lot of friends. But I</p> <p>9 think by virtue of being adopted and changing</p> <p>10 countries and losing his family -- because he</p> <p>11 was three when he was detached from his family</p> <p>12 in Africa and brought here. And then his mom</p> <p>13 passed away a couple years later. So I think</p> <p>14 that, you know, it shook him up a little bit.</p> <p>15 And, plus, you know, he is -- he's -- I</p> <p>16 don't know if I can say this, but he's just --</p> <p>17 please stop me if saying anything wrong, but</p> <p>18 he's a very unusual kid. He's very sensitive,</p> <p>19 and he's very compassionate. And as much as I</p> <p>20 worry about him, he's also worried about me and</p> <p>21 his sisters. He's just -- he's just -- he's</p> <p>22 not a 12-year-old kid that just ignores and</p> <p>23 moves on with his life. Things impact him.</p> <p>24 And he has a very deep understanding of things.</p>	<p style="text-align: right;">Page 77</p> <p>1 <b>back of the aircraft, and you said that you had</b></p> <p>2 <b>some pain in the back of your neck -- in the</b></p> <p>3 <b>base -- you said you had some pain. You</b></p> <p>4 <b>pointed or gestured to the base of your neck.</b></p> <p>5 <b>Is that a correct representation of</b></p> <p>6 <b>where you felt pain?</b></p> <p>7 A. No.</p> <p>8 <b>Q. Where did you feel pain when you</b></p> <p>9 <b>returned back to your seat after speaking with</b></p> <p>10 <b>the flight attendant in the back of the</b></p> <p>11 <b>aircraft?</b></p> <p>12 A. Well, I want to define "after." Okay?</p> <p>13 Because I don't know that it was immediately</p> <p>14 after. So I want to be careful there.</p> <p>15 But when I returned to my seat, there</p> <p>16 was a pain that started like right here</p> <p>17 (indicating), in the sides of my head, and it</p> <p>18 felt like my head was being crushed. And it</p> <p>19 just -- I don't know how to put it to you, but</p> <p>20 it was like just, literally, like somebody was</p> <p>21 stepping on my head. It was nothing I had ever</p> <p>22 felt in my life. It was really painful. And</p> <p>23 my neck felt tight, I guess the way it would</p> <p>24 feel when you get hit, and I started to get</p>

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November 19, 2019

<p style="text-align: right;">Page 78</p> <p>1   nauseous and dizzy.</p> <p>2           And I remember it very clearly,</p> <p>3   because, you know, I was sitting behind a</p> <p>4   magazine, just praying that I wouldn't throw up</p> <p>5   all over the place, because it was -- it was</p> <p>6   unbelievable. And I didn't know what was</p> <p>7   happening to me. I thought it was stress. I</p> <p>8   mean, I know better now, but it was an</p> <p>9   unbelievably different feeling than I've ever</p> <p>10   felt.</p> <p>11       <b>Q. Did you actually ever throw up?</b></p> <p>12       A. No, I did pull the bag out and I -- a</p> <p>13   couple times I thought I was going to, but it</p> <p>14   pulled back. That flight, I did not throw up</p> <p>15   on the flight.</p> <p>16       <b>Q. And you said you "thought it was</b></p> <p>17 <b>stress, but you know better now."</b></p> <p>18       A. Yes.</p> <p>19       <b>Q. What do you believe to be different</b></p> <p>20 <b>now?</b></p> <p>21       A. I think it was a concussion.</p> <p>22       <b>Q. Has any medical professional told you</b></p> <p>23 <b>that you suffered a concussion as a result of</b></p> <p>24 <b>this incident on Flight 2067?</b></p>	<p style="text-align: right;">Page 80</p> <p>1       <b>Q. Was anybody else staring at you, such</b></p> <p>2 <b>as the passengers in the row in front of you?</b></p> <p>3       A. I couldn't tell that.</p> <p>4       <b>Q. Okay. Did you ever start to cry as you</b></p> <p>5 <b>sat in your seat?</b></p> <p>6       A. No.</p> <p>7       <b>Q. You mentioned that you pulled out a</b></p> <p>8 <b>magazine. Was that a magazine that you had</b></p> <p>9 <b>brought with you?</b></p> <p>10       A. Yes. Well, yes, because it had nature</p> <p>11   pictures in it, and I always read magazines</p> <p>12   with hiking. Sorry. Yes.</p> <p>13       <b>Q. And you mentioned two other times where</b></p> <p>14 <b>the FBI was involved in an incident.</b></p> <p>15       A. I didn't say that. What I said is</p> <p>16   where -- where we had police involved, is what</p> <p>17   I meant. If I wasn't clear, my apologies on</p> <p>18   that.</p> <p>19       <b>Q. Okay. So you've experienced two other</b></p> <p>20 <b>instances where the police were involved in a</b></p> <p>21 <b>situation pertaining to you and A.D., correct?</b></p> <p>22       A. Yes.</p> <p>23       <b>Q. And this instance on Flight Number 2067</b></p> <p>24 <b>would be the third time?</b></p>
<p style="text-align: right;">Page 79</p> <p>1       A. Because I did not see somebody right</p> <p>2   away, they would not be definitive, but they</p> <p>3   said it was highly likely it was a concussion.</p> <p>4       <b>Q. Do you recall the doctor's name that</b></p> <p>5 <b>told you it was highly likely you suffered a</b></p> <p>6 <b>concussion?</b></p> <p>7       A. Yes, it's in your exhibit. Do you mind</p> <p>8   if I go to it?</p> <p>9       <b>Q. Which exhibit are you referring to, for</b></p> <p>10 <b>the record?</b></p> <p>11       MR. McKAY: It's the interrogatories.</p> <p>12       THE WITNESS: Yeah.</p> <p>13       A. It's on page 5. His name is</p> <p>14   Kenneth Carnes, and his name is identified in</p> <p>15   there.</p> <p>16       <b>Q. Okay. Thank you.</b></p> <p>17       <b>And you said that you felt people</b></p> <p>18 <b>staring at you as you sat in your seat; is that</b></p> <p>19 <b>correct?</b></p> <p>20       A. Yes.</p> <p>21       <b>Q. The people who you felt staring at you,</b></p> <p>22 <b>were these the passengers seated across the</b></p> <p>23 <b>aisle from you?</b></p> <p>24       A. Yes.</p>	<p style="text-align: right;">Page 81</p> <p>1       A. Yes.</p> <p>2       <b>Q. Okay. And what was the first of those</b></p> <p>3 <b>two times that you're referring to?</b></p> <p>4       A. The first time was on -- what A.D.</p> <p>5   says, it was a Delta flight. I don't remember.</p> <p>6   A.D. has a much better memory than me. And it</p> <p>7   was a Delta flight. And he was tired. He...</p> <p>8       I probably should say right now, A.D.</p> <p>9   is an incredibly affectionate person, and he</p> <p>10   was probably ten at the time, and he put his</p> <p>11   head on my shoulder, and he fell asleep, and I</p> <p>12   fell asleep as well. And I was informed, when</p> <p>13   I got off the plane, by the FBI, that a</p> <p>14   passenger reported it to an airline attendant,</p> <p>15   who then asked the police to question us once</p> <p>16   we landed.</p> <p>17       <b>Q. Do you recall where this incident</b></p> <p>18 <b>occurred? Where the flight landed?</b></p> <p>19       A. I do not. I can only tell you what</p> <p>20   A.D. says.</p> <p>21       <b>Q. Okay. And where was the second</b></p> <p>22 <b>incident?</b></p> <p>23       A. The second incident was in a movie</p> <p>24   theater in Wilmington. We have a small, little</p>